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TO: Examiner Eduardo C. Robert

DATE: November 10, 2003

COMPANY: USPTO

FACSIMILE NO.: 703-872-9303

FROM: Richard J. Godlewski NO. OF PAGES 4 (including this cover sheet).

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In Re Application of: Kieran P. J. Murphy, M.D.

Atty. Docket No.: PA-5281

Customer No.: 9896

Serial No.: 09/594,685

Group Art Unit: 3732

Filed: June 16, 2000

Examiner: Eduardo C. Robert

Title: METHOD AND APPARATUS FOR STRENGTHENING VERTEBRAL BODIES

RESPONSE UNDER 37 CFR 1.116  
- EXPEDITED PROCEDURE -  
EXAMINING GROUP 3732

Please enter and make of record the enclosed Notice of Appeal. The following documents are enclosed with this transmission:

Notice of Appeal (3 pages)

11/17/2003 1401 00000001 132528 09554685

01 FC:1401 230.00 DA

*Richard J. Godlewski*

Richard J. Godlewski  
Reg. No. 30,056  
(812) 330-1824

Attorney's Docket No. PA-5281

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Kieran P.J. Murphy

Group No.: 3732

Serial No.: 09/594,685

Examiner: Eduardo C. Robert

Filed: June 16, 2000

Customer No.: 9896

For: METHOD AND APPARATUS FOR STRENGTHENING VERTEBRAL BODIES

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Commissioner of Patents and Trademarks  
Alexandria, VA 22313

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NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO THE BOARD  
OF PATENT APPEALS AND INTERFERENCES

Applicant hereby appeals to the Board from the decision of the Primary Examiner mailed

August 8, 2003 rejecting claims 1 - 21.

The item(s) checked below are appropriate:

1. STATUS OF APPLICANT

This application is on behalf of

- ☒ other than a small entity.  
☐ a small entity.

A verified statement

- ☐ is attached  
☐ was already filed on \_\_\_\_\_

2. FEE FOR FILING NOTICE OF APPEAL

Pursuant to 37 CFR 1.17(e) the fee for filing the Notice of Appeal is:

- ☐ small entity \$165.00  
☒ other than a small entity \$330.00

Notice of Appeal fee due \$ 330.00

CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8a)

I hereby certify that this correspondence is, on the date shown below, being:

MAILING

☐ deposited with the United States Postal  
Service with sufficient postage as first class  
mail in an envelope addressed to the  
Commissioner of Patents and Trademarks,  
P.O. Box 1450, Alexandria, VA 22313-1450

FACSIMILE

☒ transmitted by facsimile to the Patent and Trademark Office

Date: November 10, 2003

Signature

Pamm Garwood

(Type or print name of person certifying)

(Notice of Appeal from the Primary Examiner to Board [9-6]—page 1 of 3)

### 3. EXTENSION OF TERM

**NOTE:** The time periods set forth in 37 CFR 1.191 are subject to the provision of § 1.136 for patent applications 37 CFR 1.191(d). (But see 37 CFR 1.645 for extension of time in interference proceedings and 37 CFR 1.550© for extension of time in reexamination proceedings).

(complete (a) or (b) as applicable)

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136 apply.

- (a) ☐ Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d)) for the total number of months checked below:

Extension (months)	Fee for other than small entity	Fee for small entity
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 400.00	\$195.00
<input type="checkbox"/> three months	\$ 920.00	\$445.00
<input type="checkbox"/> four months	\$1,440.00	\$695.00

Fee \$ \_\_\_\_\_

If an additional extension of time is required please consider this a petition therefor.

(check and complete the next item, if applicable)

- ☐ An extension for \_\_\_\_\_ months has already been secured and the fee paid therefor of \$ \_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested. Extension fee due with this request \$ \_\_\_\_\_

or

- (b) ☐ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

### 4. TOTAL FEE DUE

The total fee due is:

Notice of Appeal fee \$ 330.00

Extension fee (if any) \$ \_\_\_\_\_

TOTAL FEE DUE \$ 330.00

### 5. FEE PAYMENT

- ☐ Attached is a check in the sum of \$ \_\_\_\_\_  
☒ Charge Account No. 13-2528 the sum of \$ 330.00

(Notice of Appeal from the Primary Examiner to Board [9-6]--page 2 of 3)

6: FEE DEFICIENCY

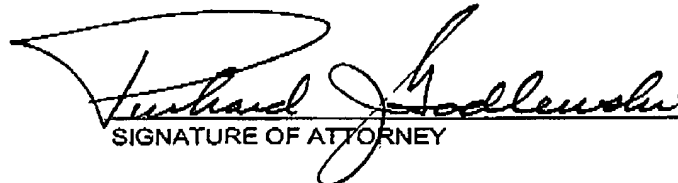
NOTE: If there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in returning the papers to the PTO Finance Branch in order to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986, 1065 O.G. 31-33.

☒ If any additional extension and/or fee is required charge Account No. 13-2528.

AND/OR

☐ If any additional fee for claims is required, charge Account No. 13-2528.

Date: Nov. 10, 2003

  
SIGNATURE OF ATTORNEY

Reg. No.: 30,056

Richard J. Godlewski

(Type or print name of attorney)

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(Notice of Appeal from the Primary Examiner to Board [9-6]--page 3 of 3)